

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 1520 of 2000

with

CIVIL APPLICATION NO. 7288 OF 2000

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT

and

Hon'ble MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
2. To be referred to the Reporter or not? : YES
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

NATIONAL INSURANCE CO.

Versus

GONSAI GAURIGAR SHAMBUGAR

Appearance:

DAKSHESH MEHTA for Petitioner

CORAM : MR.JUSTICE J.N.BHATT

and

MR.JUSTICE K.M.MEHTA

Date of decision: 24/08/2000

ORAL JUDGEMENT

(Per : MR.JUSTICE J.N.BHATT)

In this appeal under Section 173 of the Motor Vehicles Act, the appellant original opponent No. 3 in MACP No. 750 of 1999, has challenged the amount of compensation awarded to the respondent No. 1 to the extent of Rs. 1,03,500/- with interest and cost by the Tribunal by its judgement and award dated 1.5.2000 for personal injuries arising out of accident which occurred on 28.7.1991 between a truck No. GJ-12-T-6546 and another truck No. GJ-1-T-6452, inter alia, contending, mainly, on the ground that the amount awarded for personal injuries is excessive.

We have heard learned advocate for the appellant. We have, dispassionately, considered the facts and circumstances emerging from the present case and the impugned judgement and we find that the amount of compensation awarded by the Tribunal for personal injuries to the respondent original claimant to the extent of Rs. 1,03,500/- who had sustained serious injuries and who had to undergo, extensive treatment for a long period and who has sustained permanent partial disablement to the extent of 25% in the leg of the claimant who is a driver, by no stretch of imagination could be said to be excessive or exorbitant requiring our interference exercising our power under Section 173 of the Motor Vehicles Act, 1988. Therefore, we find no substance in this appeal. In the result, the appeal is dismissed.

The amount of Rs. 25,000/- deposited with the Registry along with the appeal is directed to be transmitted to the Tribunal concerned for passing appropriate orders.

In view of the order passed in the main matter, no orders are passed on the Civil Application.

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